

LAW OFFICES OF HUGO R. HARMATZ, P.C.

MEMBER - NEW JERSEY BAR
PENNSYLVANIA BAR
DISTRICT OF COLUMBIA BAR
MASSACHUSETTS BAR
ILLINOIS & COLORADO BARS
ADMITTED - U.S. FEDERAL DISTRICT COURTS
ADMITTED - UNITED STATES SUPREME COURT
LL. M. IN TRIAL ADVOCACY

A LAW CORPORATION
415 ROUTE 34, SUITE 104
POST OFFICE BOX 500
COLTS NECK, NJ 07722-0500

TELEPHONE: (732) 845-1331
FAX: (732) 409-0008

30 WALL STREET
8th FLOOR
NEW YORK, NY 10005

4401 A CONNECTICUT AVE. NW
WASHINGTON, DC 20008

PLEASE REPLY TO COLTS NECK OFFICE

30 October 2018

The Honorable Madeline Cox Arleo
United States District Court, Room 2060
50 Walnut Street
Newark, New Jersey 07101

Re: Alpha Cepheus -v- Chu et al.
United State District Court Docket Number: 18-cv-114322

Dear Judge Arleo:

This law firm represents defendants James Stepien and Victor Cardona in regard to the aforesaid litigation. We recently filed pour Appearance.

On 21 October 2018, plaintiffs' counsel dispatched an electronic mail to me that included a cover sheet and three documents, as a result of a negotiated and reached between plaintiffs and Mr. Stepien and Mr. Cardona. The three documents (Exhibit "A"), included a Stipulation to Extend Time to Answer; and Stipulation of Dismissal Without Prejudice; and a Stipulation of Dismissal With Prejudice. The Stipulation to Extend Time was to be filed by plaintiffs' counsel immediately; the Stipulation of Dismissal without Prejudice was to be filed thereafter, and the Stipulation of Dismissal was to be filed upon completion of Mr. Stepien and Mr. Cardona's full compliance with the settlement terms.

As noted above, it was agreed that the Stipulation to Extend Time to Answer was to be filed immediately by plaintiffs' counsel. Annexed hereto (Exhibit "B") is a copy of this law firm's 21 October 2018 letter to plaintiffs' counsel supporting same. Yet it appears, from the Court docket, that plaintiffs' counsel failed to ever execute upon his promise to file same.

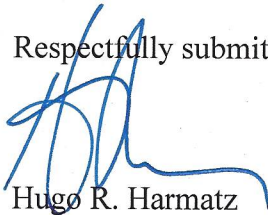
Pager #2
30 October 2018
Alpha –v– Chu

On 23 October 2018, I made inquiry (Exhibit “C”) of plaintiffs’ counsel as to his filing of the Stipulation of Dismissal Without Prejudice, to avoid the necessity of responding to the Order to Show Cause. I also asked plaintiffs’ counsel to notify the Court that the Order to Show Cause and proposed order was to be amended to exclude Mr. Stepien and Mr. Cardona. Apparently, and yet again, plaintiffs’ counsel willfully ignored executing upon the rather simple request.

On yesterday’s date, I caused to be filed a Notice of Appearance (Exhibit “D”). I inadvertently filed the executed Stipulation of Dismissal With Prejudice (Exhibit “E”), instead of the Stipulation Extending Time to Answer. However, I have corrected this oversight this morning by filing the Stipulation Extending Time to Answer (Exhibit “F”). I ask that the Court kindly withdraw the inadvertently filed Stipulation of Dismissal With Prejudice. I await plaintiffs’ counsel’s appropriate filing of the Stipulation of Dismissal Without Prejudice and thereafter, when plaintiffs’ counsel agrees that the settlement terms have been fully executed, the filing of the Stipulation of Dismissal With Prejudice.

I thank Your Honor for the Honorable Court’s courtesy and cooperation in this litigation.

Respectfully submitted,



Hugo R. Harmatz

HRH: file- CARDONA/STAPIEN/ALPHA/FED/CT/LGL/COMM/18
encls

EXHIBIT “A”

Subject: **Stipulations**
Date: 10/21/2018 11:52:34 AM Pacific Standard Time
From: timothy.parlatore@parlatorelawgroup.com
To: lawyur@aol.com

See attached

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

Docket No.: 18-cv-14322

-against-

STIPULATION

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.

-----X
IT IS HEREBY STIPULATED AND AGREED between Plaintiffs and Defendants VICTOR CARDONA and/or JAMES STEPIEN, that the Defendants time to answer the complaint or file a pre-answer motion is hereby extended to December 10, 2018.

Dated: October 21, 2018

PARLATORE LAW GROUP LLC
Counsel for the Plaintiffs
221 River St., 9th floor
Hoboken, NJ 07030

LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722

By: 
Timothy C. Parlatore, Esq.

By: _____
Hugo R. Harmatz, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

Docket No.: 18-cv-14322

-against-

STIPULATION

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.

-----X
IT IS HEREBY STIPULATED AND AGREED, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), by and between the parties herein, that any and all of the claims arising out of the events alleged in the Complaint in this matter that were asserted, or could have been asserted, on behalf of Plaintiffs against the Defendants VICTOR CARDONA and/or JAMES STEPIEN are hereby dismissed and discontinued **without prejudice** and without costs or attorneys' fees to any party.

Dated: October __, 2018

PARLATORE LAW GROUP LLC
Counsel for the Plaintiffs
221 River St., 9th floor
Hoboken, NJ 07030

LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722

By: _____
Timothy C. Parlature, Esq.

By: _____
Hugo R. Harmatz, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
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Docket No.: 18-cv-14322

-against-

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Dated: October 21, 2018

PARLATORE LAW GROUP LLC
Counsel for the Plaintiffs
221 River St., 9th floor
Hoboken, NJ 07030

LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722

By: 
Timothy C. Parlature, Esq.

By: _____
Hugo R. Harmatz, Esq.

EXHIBIT “B”

LAW OFFICES OF HUGO R. HARMATZ, P.C.

MEMBER-- NEW JERSEY BAR
PENNSYLVANIA BAR
DISTRICT OF COLUMBIA BAR
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21 October 2018

CONFIDENTIAL COMMUNICATION

Timothy C. Parlatore, Esquire
Parlatore Law Group
One World Trade Center, Suite 8500
New York, New York 10007

Re: Alpha Cepheus -v- Chu et al.
United State District Court Docket Number: 18-cv-114322

Dear Counselor Parlatore:

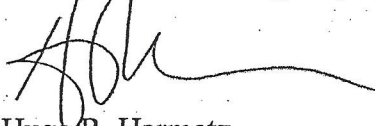
It was exceptionally nice having an opportunity to speak with your today.

Thank you for providing the Stipulation extending time for Mr. Cardona and Mr. Stepien to file an Answer, etc until 10 December 2018.

We have executed the aforesaid document and enclosed same for your action of filing.

Again, thank you for your professionalism and civility.

With professional regards,



Hugo R. Harmatz

HRH: file- CARDONA/STAPIEN/ALPHA/FED/CT/LGL/COMM/18

encl

pc: Mr. Victor Cardona (w. encl)

Mr. James Ctepien (w encll)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

Docket No.: 18-cv-14322

-against-

STIPULATION

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.

-----X
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Dated: October 21, 2018

PARLATORE LAW GROUP LLC
Counsel for the Plaintiffs
221 River St., 9th floor
Hoboken, NJ 07030

By: 
Timothy C. Parlatore, Esq.

LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722

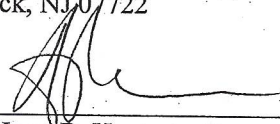
By: 
Hugo R. Harmatz, Esq.

EXHIBIT “C”

Subject: **Dismissal Filing**
Date: 10/23/2018 2:51:50 PM Pacific Standard Time
From: lawyur@aol.com
To: timothy.parlatore@parlatorelawgroup.com

CONFIDENTIAL COMMUNICATION

T:

Hope that you are doing great.

I received the OSC and spoke with Warren. He is very upset and concerned with his safety, do to the content of the moving papers and the potential that he may be the next one to get a "visit".

Can you appropriately file the dismissal at this juncture so that the OSC becomes moot as to this firm's clients. Moreover, can you kindly supplement the OSC to notify the Court that the OSC and proposed order shall be amended to exclude this firm's clients.

Many thanks and looking forward to speaking to you soon. I will have limited e-mail until Sunday morning, but you can use my cell (which I will also have limited, but better than e-mail) issues during my travels commencing tomorrow AM.

Thanks and all the best.

H

LAW OFFICES OF HUGO R. HARMATZ, P.C.

MEMBER - NEW JERSEY BAR
PENNSYLVANIA BAR
DISTRICT OF COLUMBIA BAR
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23 October 2018

CONFIDENTIAL COMMUNICATION

Timothy C. Parlatore, Esquire
Parlatore Law Group
One World Trade Center, Suite 8500
New York, New York 10007

Re: Alpha Cepheus -v- Chu et al.

United State District Court Docket Number: 18-cv-114322

Dear Counselor Parlatore:

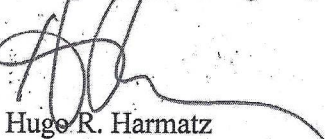
Please accept this letter for the purposes of settlement and for no other purpose. This document is to be treated as confidential and not disseminated to any persons or plaintiffs' counsel.

It was very nice conferencing with you this afternoon. Thank you for advising that you have filed an Order to Show Cause.

At this juncture, it appears prudent for you to file the executed Dismissal, Without Prejudice, so as the necessity of this law firm filing responsive pleadings on behalf of our clients to the Order to Show Cause does not reach fruition. I am positive that you are satisfied that this law firm's clients had absolutely nothing to do with the alleged aggressive behavior of third parties against your clients.

Thank you for your cooperation and action, consistent with the above.

With professional regards,



Hugo R. Harmatz

HRH: file- CARDONA/STIEPIEN/ALPHA/FED/CT/LGL/COMM/18
pc: Mr. Victor Cardona (w. encl)
Mr. James Ctepien (w encll)
abc company (w. encl)

EXHIBIT “D”

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALPHA CEPHEUS, LLC; FIRST UNITED : Case No.: 2:18-cv-14322 (MCA) (MAH)
HEALTH, LLC; CONSTELLATION HEALTH;
LLC; NAY CONSTELLATION HEALTH, : Hon. Madeline Cox Arleo
LLC; and CONSTELLATION HEALTH : Magistrate Judge Michael A. Hammer
INVESTMENT, LLC; :

Plaintiffs, :

NOTICE OF APPEARANCE

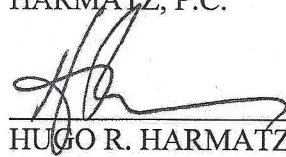
CHINH CHU; TRUC TO; DOUGLAS :
NEWTON; JAMES STEPIEN; VICTOR :
CARDONA; and JOHN DOE 1-10 :

Defendants.

PLEASE TAKE NOTICE that Hugo R. Harmatz, Esquire of the law firm of Hugo R.
Harmatz, PC, hereby enters his appearance as counsel of record on behalf of Defendants
James Stepien and Victor Cardona in the above captioned matter:

Dated: 29 October 2018

LAW OFFICES OF HUGO R.
HARMATZ, P.C.



HUGO R. HARMATZ, ESQUIRE
Post Office Box 500
Colts Neck, New Jersey 07722
Telephone: (732) 845-1331
Fax: (732) 409-0008

EXHIBIT “E”

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

Docket No.: 18-cv-14322

-against-

STIPULATION

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.

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Dated: October 21, 2018

PARLATORE LAW GROUP LLC
Counsel for the Plaintiffs
221 River St., 9th floor
Hoboken, NJ 07030

By: 
Timothy C. Parlatore, Esq.

LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722


By: 
Hugo R. Harmatz, Esq.

EXHIBIT “F”

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
ALPHA CEPHEUS, LLC
FIRST UNITED HEALTH, LLC,
CONSTELLATION HEALTH, LLC
NAYA CONSTELLATION HEALTH, LLC and
CONSTELLATION HEALTH INVESTMENT,
LLC,

Plaintiffs,

-against-

CHINH CHU,
TRUC TO,
DOUGLAS NEWTON,
JAMES STEPIEN,
VICTOR CARDONA, and
JOHN DOE 1-10,

Defendants.
-----X

Docket No.: 18-cv-14322

STIPULATION


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Dated: October 21, 2018

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LAW OFFICES OF HUGO R. HARMATZ, P.C.
Counsel for Defendants Cardona and Stepien
415 Route 34, Suite 104
Colts Neck, NJ 07722

By: 
Hugo R. Harmatz, Esq.